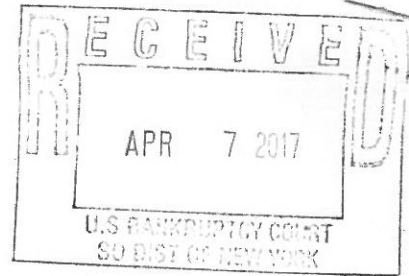


EXHIBIT E

394717/388 PM
Name PMB 42 CLOAC
Address _____
City SE
Zip 10944



Name of Court USBC SDNY

In Re Des Cap

12-12020-
Case No. 12 11578

Adv No. _____

Request for Judicial Notice
Notice of Automatic Stay
Of Chapter 13 Filing
In _____ District of _____
Debtor Robert Eberwein
URGENT
12-11581 9th Circuit
76-16936

Please Take Judicial Notice of Filing Of Bankruptcy Case[s]

TO JUDGE GLENN
YOU SAID YOU ARE JUDGE
JUDGE SEAN LANE
I REQUESTED WE ALSO
SIGNATURE COUNCIL

Wherefore Prayer for Relief, for that this case is stayed by filing of the above listed
bankruptcy case in _____ District of _____

Name Robert Eberwein
Address 1000 1st St
SE
Atlanta GA
30316

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NO. 1510 OF CA.

2017 MAR 28 P 5:04

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
Debtors.)	Jointly Administered

**ORDER DENYING DEBTORS' MOTION PURSUANT TO BANKRUPTCY RULE 3013
AND BANKRUPTCY CODE SECTION 362(A) FOR A DETERMINATION THAT
(I) GMAC MORTGAGE'S FRB FORECLOSURE REVIEW OBLIGATION IS A
GENERAL UNSECURED CLAIM AND (II) THE AUTOMATIC STAY PREVENTS
ENFORCEMENT OF THE FRB FORECLOSURE REVIEW OBLIGATION**

Upon consideration of the motion (the "**Motion**")¹ of the above-captioned debtors and debtors in possession (collectively, the "**Debtors**" and each, a "**Debtor**") for an order determining (i) that, for purposes of any proposed plan, GMAC Mortgage's obligation to conduct the FRB Foreclosure Review shall be classified as a general unsecured claim in an amount to be determined, and (ii) the automatic stay prevents the FRB and the FDIC from taking any action to enforce such claim against the Debtors; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue of these Chapter 11 cases and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this proceeding on the Motion is a core proceeding pursuant to 28 U.S.C. § 157(b); and sufficient notice of the Motion having been given; and it appearing that no other or further notice need be provided; and the Court having authorized the Debtors to enter into and perform under an amendment to the Debtors' consent order with the

RECEIVED

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.



Federal Reserve Board and the Federal Deposit Insurance Corporation, dated April 13, 2011

[Docket No. 4365], it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is DENIED as moot for the reasons stated on the record at the July 26, 2013 omnibus hearing in these Chapter 11 cases of the above-captioned Debtors.

2. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: August 16, 2013
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

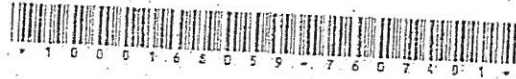
SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

2017 MAR 28 P 5:04

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Paying Agent - Rust Consulting, Inc.
P.O. Box 3036
Faribault, MN 55021-2636

IMPORTANT PAYMENT AGREEMENT INFORMATION ENCLOSED



**SNGLP
ROBERT D EBERWEIN

Independent Foreclosure Review

January 27, 2014

Your payment is enclosed.

Reference Number: 1000168059

Property Address:

611-613 NORTH P STREET

LIVERMORE CA 94550

Si usted habla español, tenemos representantes que
puedan asistirle en su idioma.

Dear Robert D Eberwein,

You were recently sent a notice that you are eligible to receive a payment as a result of an agreement between federal banking regulators and GMAC Mortgage, LLC in connection with an enforcement action related to deficient mortgage servicing and foreclosure processes.

This letter includes your check. It also explains the amount of the payment, why you are receiving a payment, how to cash the check, and other important information and disclosures.

Your payment is: \$4,500.00.

Why you are receiving a payment

In July of 2013, GMAC Mortgage, LLC entered into an agreement with the Board of Governors of the Federal Reserve System. This agreement resolved the Independent Foreclosure Review required by the Board of Governors. Additional information about this agreement can be found at www.federalreserve.gov.

Regulators determined your payment amount based on the stage of your foreclosure process and other considerations related to your foreclosure.

How to cash the check

You must cash or deposit the check within 90 days, or the check will be void. All borrowers listed on the check must sign it to cash it.

The payment amount is final.
There is no process to appeal the payment.

Continued on reverse side

GMAC2014

A 1LDN 000207163

Fund 3 Independent Foreclosure Review Payment QSP
Loan Servicer: GMAC Mortgage, LLC
P.O. Box 3036
Faribault, MN 55021-2636

The Huntington National Bank

55-1612
411

Check No. 7607401

DATE	CLAIM NUMBER	AMOUNT
January 27, 2014	1000168059	\$4,500.00

Financial institutions may call
1-855-460-1528 to verify this check.

Pay to the order of: ROBERT D EBERWEIN
FOUR THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS

VOID AFTER NINETY (90) DAYS
NOT VALID FOR AMOUNT OTHER THAN \$4,500.00
All Payee's signatures required on back in order for this instrument to be paid

Paul V. [Signature]

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2017 MAR 28 P 5:04
SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

Residential Capital, LLC
c/o KCC
2335 Alaska Ave
El Segundo, CA 90245

PRF 53920 10938667

NDEX West LLC TS World Saving Bank Successo Fremont
Investment & Loan APN
Patrick De Jesus
LSI Title Company/Agency Sales & Posting
541 Banyan Circle
Walnut Creek CA 94597

000818

SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

2017 MAR 28 P 5:04

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• ATTACHMENT M-2
Optional – Discard if not used
**MOTIONS TO AVOID NONPOSSESSORY
NONPURCHASE MONEY LIENS**
(Pursuant to 11 U.S.C. § 522(f)(1)(B))

(A separate motion must be used to avoid each lien.)

NUMBER OF MOTIONS TO AVOID NONPOSSESSORY LIENS IN THIS PLAN
DOCKET CONTROL NUMBER ASSIGNED TO THIS MOTION TO AVOID NONPOSSESSORY LIEN: FRD-33

NOTICE IS HEREBY GIVEN that Debtor moves to avoid the lien on Debtor's exempt property (consisting of household furnishing, household goods [as defined at section 522(f)(4)(A)], wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry held primarily for the personal, family, or household use of Debtor or a dependent of Debtor; implements, professional books, or tools of the trade of Debtor or a dependent of Debtor; or professionally prescribed health aids for Debtor or a dependent of Debtor) held by the creditor identified below. If this motion is granted, the claim of the creditor named below will be treated as a general unsecured claim (Class 7).

Name of the creditor whose nonpossessory, nonpurchase money security interest or lien on the below-described property is being avoided:

Detailed description of exempt property:

Debtor's opinion of the exempt property's "replacement value"
[as defined and limited by section 506(a)(2)]: \$

Amount of the creditor's claim: \$

Other information relevant to the resolution of this motion:

I (we) declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 03/15/17
CLERK, U.S. DISTRICT COURT
SUSAN Y. SOONG

2017 MAR 28 P 5:04

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U.S. DISTRICT COURT

394717 *Julia R. DeGuerre*

Roman
Debtor

Julia R. DeGuerre
Joint Debtor

Mark [Signature]

ATTACHMENT M-2
Optional - Discard if not used
**MOTIONS TO AVOID NONPOSSESSORY
NONPURCHASE MONEY LIENS**
(Pursuant to 11 U.S.C. § 522(f)(1)(B))

(A separate motion must be used to avoid each lien.)

NUMBER OF MOTIONS TO AVOID NONPOSSESSORY LIENS IN THIS PLAN
DOCKET CONTROL NUMBER ASSIGNED TO THIS MOTION TO AVOID NONPOSSESSORY LIEN: FRD-34

NOTICE IS HEREBY GIVEN that Debtor moves to avoid the lien on Debtor's exempt property (consisting of household furnishing, household goods [as defined at section 522(f)(4)(A)], wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry held primarily for the personal, family, or household use of Debtor or a dependent of Debtor; implements, professional books, or tools of the trade of Debtor or a dependent of Debtor; or professionally prescribed health aids for Debtor or a dependent of Debtor) held by the creditor identified below. If this motion is granted, the claim of the creditor named below will be treated as a general unsecured claim (Class 7).

Name of the creditor whose nonpossessory, nonpurchase money security interest or lien on the below-described property is being avoided:

Detailed description of exempt property:

Debtor's opinion of the exempt property's "replacement value"
[as defined and limited by section 506(a)(2)]: \$

Amount of the creditor's claim: \$

Other information relevant to the resolution of this motion:

I (we) declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 03/28/17

RECEIVED
2017 MAR 28 P 5:04

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CA.

Debtor

Joint Debtor

04/23/12

Account Number 0359141821

Page Two

- * Deed in Lieu of Foreclosure: If you have tried to sell your property for 90 days, you may be able to voluntarily return the deed to GMAC Mortgage, LLC to satisfy your debt and avoid foreclosure.

To be considered for any of these options, you may be required to provide us with financial information. Collection activity will continue and your monthly mortgage payment will still be due while we evaluate your financial situation. Not all options may be available to you.

To discuss your available options, please contact us immediately at 800-850-4622.

Sincerely,

Collection Department
Loan Servicing

Please Note:

This is an attempt to collect a debt and any information obtained will be used for that purpose.

If you have filed for bankruptcy and your case is still active or if you have received an order of discharge, please be advised that this is not an attempt to collect a pre-petition or discharged debt. Any action taken by us is for the sole purpose of protecting our lien interest in your property and is not to recover any amounts from you personally. If you have surrendered your property during your bankruptcy case, please disregard this notice.

If you are currently in bankruptcy under Chapter 13, you should continue to make payments in accordance with your Chapter 13 Plan and disregard this notice.

For additional information about options that may help you avoid foreclosure, as well as brochures to educate you about foreclosure rescue scams and telephone and internet referrals to legitimate mortgage counselors, please contact the FDIC at 1-877-ASK-FDIC (1-877-275-3342) or via the web at: <http://www.fdic.gov/consumers/loans/prevention/index.htm>.

For your information, you may contact a HUD Counseling Agent at 1-800-569-4287. The toll free TDD number for the HUD Counseling Agency is 1-800-877-8339.

Please do not send medical information. As required by law, we are prohibited from obtaining or using medical information (e.g., diagnosis, treatment or prognosis) in connection with your eligibility or continued eligibility for credit. We will not use it when evaluating your request and it will not be retained.

5:06 (037)

Enclosure

RECEIVED
2017 MAR 28 P 5:05
SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

04-.06 on ea dollar

LSBC

CA PROOF OF SERVICE
09-23690-B-13J
ADEQUATE PROTECTION

303111401 NEW C-08 8810612776

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

2379405875

62-20/311

MATCH THE AMOUNT IN WORDS WITH THE AMOUNT IN NUMBERS

WASHINGTON MUTUAL
MUTUAL
APR 2, 2009 SIX THOUSAND FOUR HUNDRED TWENTY-SIX DOLLARS AND 20 CENTS

APR 2, 2009 SIX THOUSAND FOUR HUNDRED TWENTY-SIX DOLLARS AND 20 CENTS

Drawer: Washington Mutual, a division of JPMorgan Chase Bank, N.A.

Not A

AUTHORIZED SIGNATURE

REMITTER
ROBERT D EBERWEIN

1500 110

One Penn's Way - New Castle DE 19720

Pay to the order of:
0923690-B-13-J
A/O ADEQUATE PROTECTION
JAN JOHNSON

38769931

10311002091

1102379405875

SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

2017 MAR 28 P 5:05

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waMu

2379405875

62-20/311

WASHINGTON MUTUAL
MUTUAL
APR 2, 2009 SIX THOUSAND FOUR HUNDRED TWENTY-SIX DOLLARS AND 20 CENTS

APR 2, 2009 SIX THOUSAND FOUR HUNDRED TWENTY-SIX DOLLARS AND 20 CENTS

Washington Mutual, a division of JPMorgan Chase Bank, N.A.

DRAWER / PURCHASER COPY
NON-NEGOTIABLE

0923690-B-13-J
A/O ADEQUATE PROTECTION
JAN JOHNSON

Remitter
ROBERT D EBERWEIN

1500 110

RECEIVED

APR 2 - 2003

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

NE 19720

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CHALEDEEAMMLA DEBORAH,

Plaintiff,

Case Number: CV13-02728 DMR

CERTIFICATE OF SERVICE

v.

PEOPLE OF THE STATE et al,

Defendant.

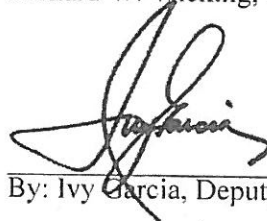
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 20, 2013, I SERVED a true and correct copy(ies) of the Order to Submit Completed IFP Application, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Chaledeekanka Deborah Ann Williams Goye Eberwein
25 Amberwood Lane, Bldg 2
Walnut Creek, CA 94597

Dated: June 20, 2013

Richard W. Wieking, Clerk



By: Ivy Garcia, Deputy Clerk

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CA.

2017 MAR 28 P 5:05

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1 We have learned that the only answering defendant, added pursuant to the filing of a
2 Prejudgment Claim of Right to Possession, 3109 KING STREET PROPERTY MANAGEMENT,
3 CHALEDEEANKA DEBORAH ANN WILLIAMS-GOYENS BELL EBERWEIN
4 (collectively, "Eberwein"),¹ ~~is~~ ^{is not} a vexatious litigant having no rights in the Premises, who has filed
5 this claim without first obtaining leave of the Presiding Judge of this Court. Eberwein's violation
6 of the Prefiling Order entered on April 30, 2007 in Alameda County Superior Court Consolidated
7 Cases Nos. BG05-244910 and RG07-312218 is punishable as a contempt of court and warrants
8 the sustaining of plaintiff's demurrer without leave to amend.

9 II. LEGAL ARGUMENT

10 A. Eberwein's Answer States [REDACTED] Facts Demonstrating [REDACTED] Agreements With Landlord Or
11 Tenant Regarding the Premises And Can [REDACTED] Make [REDACTED] Claims Through The Defaulted
12 Tenant.

13 The Answer contains [REDACTED] facts or information that support the allegations in the boxes
14 checked in the form answer. The Complaint makes it clear that the lease was with Michelle
15 O'Connor [REDACTED], as tenant, so there is [REDACTED] agreement with Landlord that would support a right to
16 possession. Neither are there any facts in the Answer that support an agreement with the Tenant.
17 Tenant *Michelle O'Connor has defaulted* in this action and can no longer appear and defend this
18 action, so that *Eberwein's claim to a right to possession through Michelle O'Connor, as a*
19 *successor in interest in some manner, can [REDACTED] be asserted in this action.* Consequently,
20 Eberwein can [REDACTED] allege any basis for a right to possession and the demurrer must be [REDACTED]
21 with [REDACTED] leave to amend.

22 B. Eberwein's Answer Violates The Prefiling Order Against Her As A Vexatious Litigant
23 And Is Punishable As A Contempt of Court.

24 Eberwein has been determined to be a vexatious litigant pursuant to Code of Civil Procedure
25 section 391 and a Prefiling Order has been entered against her. (See Supplemental Request for
26
27

28 ¹ Neither the Prejudgment Claim nor the Answer were served on this office by Eberwein.

1 Post-petition Postmark on Notice:

2 At the hearing, Plaintiff also asserted the post-petition mailing of the Notice was a violation of the
3 automatic stay. The parties do not dispute that the postmark date on the envelope for the Notice is December
4 29, 2011. However, there are no facts alleged that the Defendants had notice of Plaintiff's bankruptcy filing at
5 the time the Notice was deposited into the mail. Plaintiff filed her petition at 4:13 p.m. on December 28, 2011.
6 At approximately 6 p.m., Plaintiff delivered to Mr. Pilgrim's place of business a letter dated December 28,
7 2011 stating that "as of today I will be in active bankruptcy." The letter did not contain a copy of the petition
8 or a reference to a case number. It is unclear whether the Notice was deposited in the mail prior to the delivery
9 of Plaintiff's letter. Simply put, the substantially contemporaneous mailing of a Notice posted pre-petition is
10 insufficient to establish a knowing and willful violation of the automatic stay.

11 Additional Allegations:

12 Plaintiff's statement references phone calls and statements purportedly made by Defendants after they
13 received notice of the bankruptcy. However, no facts are provided as to when and where such statements were
14 made. Further, they contradict Plaintiff's deposition testimony that after December 28, 2011 she never had
15 any telephone contact with Ron Pilgrim. Plaintiff was requested to identify those facts supporting her claims
16 for violation of the automatic stay. General statements without essential information regarding when the
17 statements were made, particularly where contradicted by Plaintiff's testimony, are not sufficient to establish a
18 claim.

19 Conclusion:

20 At the request of the Court, Plaintiff filed a statement identifying facts supporting her claim that
21 Defendants knowingly and willfully violated the automatic stay. The facts asserted are insufficient to establish
22 a knowing and willful violation of the automatic stay pursuant to Bankruptcy Code § 362(k). As such, the
23 court finds that it would be unduly burdensome to Defendants and a waste of judicial resources to proceed to
24 trial on claims for which there is no factual support. On that basis, Plaintiff's remaining claims will be
25 dismissed by order of the court entered contemporaneously herewith.

26 **RECEIVED** **END OF ORDER**

PMB 424666
SK CA 9410

21-5 District

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO, S.F. E.A.

Plaintiff,

vs.

Defendant

Decline U.S.
Magistrate

~~The text of your document begins here.~~

DATED: March 1, 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CA.

2017 MAR 28 P 5:05

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[Signature]
your signature

[Signature]

[Signature]

[Signature]

[Signature]

ALAMEDA SUPERIOR COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

3109 KING ST PROPERTY
MANAGEMENT, et al.,

Plaintiffs,

v.

VASONA MANAGEMENT, et al.,

Defendants.

Case No. 16-cv-03219-LB

ORDER

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case is reassigned to the Honorable Vince Chhabria in the San Francisco division for all further proceedings. Counsel are instructed that all future filings shall bear the initials VC immediately after the case number.

All dates presently scheduled are vacated and motions should be noticed for hearing before the judge to whom the case has been reassigned. Briefing schedules, ADR compliance deadlines, and other case deadlines remain unchanged. Matters for which a magistrate judge has already issued a report and recommendation shall not be rebriefed or noticed for hearing before the newly assigned judge; such matters shall proceed in accordance with Fed R. Civ. P. 72(b).

Dated: 6/21/2016

FOR THE EXECUTIVE COMMITTEE

Susan Y. Soong

Susan Y. Soong
Clerk, United States District Court

NO. DIST. OF CA.
CLERK, U.S. DISTRICT COURT
SUSAN Y. SOONG

A true and correct copy of this order has been served by mail upon any pro se parties.

RECEIVED

Copy mailed to party(s).

United States District Court
Northern District of California

1 **ROUTH CRABTREE OLSEN, PS**

2 EDWARD T. WEBER, ESQUIRE, #194963

3 JONATHAN J. DAMEN, ESQUIRE, #251869

4 KRISTI M. WELLS, ESQUIRE, #276865

5 KRISTIN S. WEBB, ESQUIRE, #258476

6 RENEE M. PARKER, ESQUIRE, #256851

7 NANCY LY, ESQUIRE # 272035

8 1241 E. Dyer Road, Suite 250

9 Santa Ana, CA 92705

10 714-277-4915 / Fax (714) 277-4899

11 RCO# 68415

12 Attorney for Creditor

13 WELLS FARGO BANK, N.A., AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT

14 RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
15 2005-1

16 UNITED STATES BANKRUPTCY COURT
17 EASTERN DISTRICT OF CALIFORNIA
18 SACRAMENTO

19 In Re:

20 Fedelina Roybal De-Aguero aka 2008 Trust 394717-
21 388883 a/o Trustor aka Caspar Inn 1-10 aka Kelly Store
22 aka The Caspar Lounge aka Miller aka Fedelinas

No. 13-23376-B-11

Chapter 11

REQUEST FOR SPECIAL NOTICE

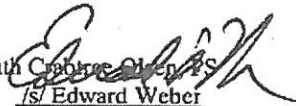
23 Debtor.

24 TO THE CLERK OF THE U.S. BANKRUPTCY COURT, THE DEBTOR(S), THE ATTORNEY OF RECORD, THE
25 TRUSTEE, AND TO ALL PARTIES IN INTEREST.

26 PLEASE TAKE NOTICE that pursuant to the United States Bankruptcy Code and Bankruptcy Rules, WELLS
FARGO BANK, N.A., AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO
IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-1 requests that
all notice given in this case and all papers served or required to be served in this case (including, but not limited to,
Notice for Meeting of Creditors, Chapter 11 Plan and Schedules and any amended Chapter 11 Plan and Schedules,
Dismissal Order, and Discharge Order), be given to and served upon the undersigned at the following address and
telephone number. This notice can in no way be construed as a grant of authority from Creditor to counsel to accept
service on behalf of Creditor or otherwise waive in any way the right of Creditor to the full rights of service as may be
accorded under local and federal rules.

Edward Weber
Routh Crabtree Olsen, PS
1241 E. Dyer Road, Suite 250
Santa Ana, CA 92705
PH 714-277-4915

Dated: April 2, 2013

Routh Crabtree Olsen, PS
By:  /s/ Edward Weber
Attorneys for Creditor

aka CHALEDEEANNKA DOC PRPR,
aka CHALEDEEANNKA DOCUMENT
PREPARER GOYENS,
aka CHALEDEEANNKA GOYENS,
aka DEBORAH A. WILLIAMS,
aka DEBORAH ANN WILLIAMS,
aka DEE ANN GOYENS,
aka DEE ANN WILLIAMS-GOYENS,
aka FRED GOYENS,
aka FREDDIE GOYENS,
aka FREDDIE GOYENS, JR.,
aka GARLAND TYLER,
aka LIONS JUDAH SPIRITUAL WARFARE
TRAINING MINISTRY,
aka O'LEVIA DE'AGAPE-D GOYENS,
aka O'LEVIA DE'-AGAGE-D'GOYENS,
aka O'LEVIA DEL-AGAPE GOYENS,
aka OLEVIA GOYENS,
aka ROBERT DANIEL EBERWEIN,
aka MICHELLE O'CONNOR,
aka PAUL CHRISTENSEN,
aka LISA SWAIN-MORRIS,
aka TRUSTOR FOR LEHMAN BROTHERS
HOLDINGS,
aka PROPERTY ASSET MANAGERS,
aka 3109 KING ST. PROPERTY MGMT.,
aka C D A W G-B EBERWEIN ST.
PROPERTY MANAGEMENT,
dba, VACA CITY TOW,

and

FEDELINA ROYBAL-ROYBAL DE AGUERO, and
FEDELINA ROYBAL DE-AGUERO 2008 TRUST,

Defendants.

-----X

Plaintiff:	BAUTISTA	CASE NUMBER	CP10.5
Defendant:	OTTOVICH	RG16804977	

11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

NOTICE: If you fail to file this claim, you may be evicted without further hearing.

13. **Rental agreement.** I have (check all that apply to you):

- a. ☐ an oral or written rental agreement with the landlord.
- b. ☐ an oral or written rental agreement with a person other than the landlord.
- c. ☐ an oral or written rental agreement with the former owner who lost the property to foreclosure.
- d. ☒ other (explain):
I purchased the property evidenced by documents on file.

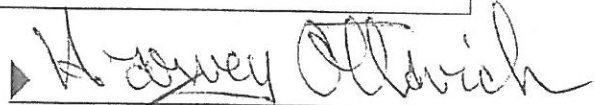
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date: 6 October 2016

Harvey Ottovich

(TYPE OR PRINT NAME)



(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

— NOTICE TO OCCUPANTS —

YOU MUST ACT AT ONCE if all the following are true:

1. You are **NOT** named in the accompanying **Summons and Complaint**.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
3. You still occupy the premises.

You can complete and **SUBMIT THIS CLAIM FORM WITHIN 10 DAYS** from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), **YOU WILL BE EVICTED.**

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

Hearing Date: April 11, 2013 at 10:00am

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
)	

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM'S
SUPPLEMENTAL BRIEF IN SUPPORT OF ITS OBJECTION
TO DEBTORS' MOTION FOR A DETERMINATION THAT
(I) GMAC MORTGAGE'S INDEPENDENT FORECLOSURE
REVIEW OBLIGATION IS A GENERAL UNSECURED CLAIM
AND (II) THE AUTOMATIC STAY PREVENTS ENFORCEMENT
OF THE INDEPENDENT FORECLOSURE REVIEW OBLIGATION



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The Board of Governors submits this supplemental brief (the “**Supplemental Brief**”) in support of its objection (the “**Objection**”) [Docket No. 3149] to the February 27, 2013 Motion of Residential Capital, LLC (“**ResCap**”) and its affiliated debtors in possession in the above-captioned cases, including GMAC Mortgage, LLC (“**GMACM**”) [Docket No. 3055].¹ In support hereof, the Board respectfully states as follows:

PRELIMINARY STATEMENT

1. The Board submits this Supplemental Brief, at the request of the Court, to address the following questions: “[One,] [a]re any payments for restitution or reimbursement general unsecured claims?² ... And two, would Ally Financial be liable for any shortfall in restitution or reimbursement payments if they are general unsecured claims and the pro rata share paid to unsecured creditors [is] less than the full amount?” March 21, 2013 Hr’g Tr. (the “**Hr’g Tr.**”) 98:6-12.³ We also address the Court’s related questions of whether there is anything in the Consent Order that would “override the priorities of the Bankruptcy Code,” and whether restitution under section 8 of the Federal Deposit Insurance Act, as amended (the “**FDI Act**”), 12 U.S.C. § 1818 (“**section 8**”), the statutory framework governing the Board’s enforcement authority, “means payment in full even if bankruptcy law would determine that it’s a general unsecured claim that’s paid pro rata[.]” Hr’g Tr. 79:15-17 and 81:17-20.

¹ Undefined capitalized terms in this Supplemental Brief have the meaning set forth in the Motion and Objection.

² Because the Consent Order speaks in terms of remediation and reimbursement, see Exhibit A ¶ 3(d), we hereinafter use the terminology of the Consent Order.

³ As the Court’s questions are limited to *payments*, this Supplemental Brief does not address remediation not involving payments, such as correcting a misfiled property deed, but note that the plain language of section 101(5) of the Bankruptcy Code, 11 U.S.C. § 101(5), clearly does not contemplate injunctive obligations that do not involve a “right to payment.” We also do not address whether the Board is a “creditor” with respect to any remediation or reimbursement payments, since the Board clearly has no right to (an in fact will not) receive any such payments.

SUPPLEMENTAL ARGUMENT

A. Any Remediation or Reimbursement Payments Under the Board's Injunctive Consent Order Are Not General Unsecured Claims

2. There is nothing in the Consent Order or section 8 of the FDI Act that could reasonably be construed to afford any third party the authority to enforce the injunctive obligations owed to the Board – in other words, any “right to payment” – under the Consent Order. In fact, paragraph 30 of the Consent Order unambiguously precludes third parties from having any rights or claims under the Consent Order, which would include any perceived right to remediation or reimbursement payments as part of the Independent Foreclosure Review; it reads, “[n]othing in this Order, express or implied, shall give to any person or entity, other than the parties hereto, and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim under this Order.” Exhibit A ¶ 30 (Consent Order). Simply put, borrowers who may receive remediation or reimbursement payments under the Consent Order have no “right to payment” that they may enforce.

3. Similarly, although borrowers will no doubt benefit from GMACM's fulfillment of its obligations under the Consent Order, such borrowers do not have a “claim” here premised on their beneficiary status. Paragraph 30 plainly negates *any* claim – even one premised on a contractual third-party beneficiary theory. The Consent Order is not a contract,⁴ but even if it were, federal common law would look to the same considerations as the Restatement of Contracts in determining whether a third party is a beneficiary who may enforce the contract.

See Rivera v. Bank of America Home Loans, 2011 U.S. Dist. LEXIS 43138, *11-*12 (E.D. N.Y.

⁴ The Consent Order is not the “contract” that is required to sustain a third-party beneficiary theory. Rather, it is a regulatory enforcement action that is enforceable by the Board pursuant to statute, not as a matter of contract law. See, e.g., In re Conner Corp., 127 B.R. 775 (E.D. N.C. 1991) (an agreement to comply with a federal banking agency's regulatory requirements does not constitute a contract that supported a “claim” based on a third-party beneficiary theory); Desouza v. Wells Fargo Bank, N.A., 2013 U.S. Dist. LEXIS 30551, *9-*11 (E.D. M.I. 2013) (neither the National Mortgage Settlement consent decree nor the independent foreclosure review request for review form constitutes a valid contract).

2011) (citing Maniolas v. United States, 741 F.Supp. 2d 555 (S.D.N.Y. 2010)); Caires v. JPMorgan Chase Bank, N.A., 880 F.Supp. 2d 288, 301-302 (D. Conn. 2012) (citing Falls Riverway Realty, Inc. v. City of Niagara Falls, 754 F.3d 49, 55 n. 4 (2nd Cir. 1985)); In re Conner Corp., 127 B.R. 775, 777 (E.D. N.C. 1991). Under the Restatement, “a [person] claiming to be the intended third party beneficiary of a government contract must show that he was ‘intended to benefit from the contract and that third-party beneficiary claims are consistent with the terms of the contract and the policy underlying it.’” Riviera, 2011 U.S. Dist. LEXIS at *14 (quoting Speleos v. BAC Home Loans Servicing, L.P., 755 F.Supp. 2d 304 (D. Mass. 2010)). The Restatement treats individual members of the public as incidental beneficiaries of a government contract unless a different intention is manifested, and incidental beneficiaries cannot enforce a contract. See id. at *12-*13 (quoting Restatement (Second) of Contracts § 313 cmt. a.). Even where there is manifested an intent to benefit, negating language such as that in paragraph 30 precludes third party beneficiaries from enforcing a government contract. See e.g., Fellows v. CitiMortgage, Inc., 710 F.Supp. 2d 385, 406 (S.D. N.Y. 2011); Riviera, 2011 U.S. Dist. LEXIS at *12.

4. Borrowers who may receive remediation or reimbursement payments under the Consent Order are at best incidental beneficiaries, since no intent to treat them as anything more was manifested by the parties to the Consent Order. Rather, the parties unambiguously evidenced their intent to not give to any third party any benefit under the Consent Order. Paragraph 30 precludes any third party, even if an intended beneficiary, from enforcing the Consent Order.

5. In sum, borrowers who may benefit from GMACM’s injunctive obligations to the Board – obligations that may result in remediation or reimbursement payments – are no



Ocwen Loan Servicing, LLC

WWW.OCWEN.COM

Helping Homeowners is What We Do!™

1661 Worthington Road, Suite 100
West Palm Beach, FL 33409
Toll Free: (800) 746-2936

11/01/2016

Loan Number: 7092019350

Harvey G Ottovich
Randy S Ottovich
36224 Pecan Ct
Fremont, CA 94536-2658

Property Address: 37231 Mission Blvd
Fremont, CA 94536

Re: Delinquency Information

Dear Harvey G Ottovich
Randy S Ottovich

We are providing the information in this notice because, as of the date of this letter, the above account is delinquent.

****DELINQUENCY NOTICE****

You are late on your mortgage payments. As of 11/01/16, you are 1461 days delinquent on your mortgage loan. Your account first became delinquent on 11/02/12. Failure to bring your loan current may result in fees and foreclosure - the loss of your home.

Recent Account History

- Payment due 11/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 10/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 09/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 08/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 07/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 06/01/16: UNPAID AMOUNT OF \$2695.66
- **Total: \$118603.52. You must pay this amount to bring your loan current. Please note that the Total Amount Due includes your next regular monthly payment.**

This amount may not include all fees and charges, as all fees and charges may not have been billed or posted to your account as of the letter date. Please contact us for your current reinstatement amount or payoff amount.

Your account has been referred to an attorney to foreclose. The first step in this process, the first filing, was completed.

If You Are Experiencing Financial Difficulty: If you are experiencing financial difficulties and would like counseling or assistance, you can contact the U.S. Department of Housing and Urban Development (HUD). For a list of homeownership counselors or counseling organizations in your area, go to www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm or call 800-569-4287.

NMLS # 1852

MADNREM

This communication is from a debt collector attempting to collect a debt; any information obtained will be used for that purpose. However, if the debt is in active bankruptcy or has been discharged through bankruptcy, this communication is purely provided to you for informational purposes only with regard to our secured lien on the above referenced property. It is not intended as an attempt to collect a debt from you personally.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

Date: October 25, 2016

Hon. Judge KEVIN MURPHY , Presiding Judge

Yasmin Singh
Not Reported

DEPT. 01
, Deputy Clerk
, Reporter

CHALEDEEANNKA DEBORAH ANN ILLIAMS GOYENS-BELL
EBERWEIN
ROBERT EBERWEIN

Counsel appearing
for Plaintiff

Petitioner

VS

No Appearance

Counsel appearing
for Defendant

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
HON. Kimberly Coldwell and Thomas Rasch

THIRD PARTY IN INTEREST: Lorenzo Commons, LLC

Respondent

No Appearance

NATURE OF PROCEEDINGS:

RULING RE:
PETITION FOR WRIT OF
MANADATE

Action No: 3191
Trial Court : HG16819912
WRIT CASE: RG16836180

Petitioner Eberwein's petition for writ is denied. Request for stay is also denied.

RECEIVED

2017 APR -5 P 6:07

CLERK, U.S. DISTRICT COURT
CLK. NO. DIST. OF CA.

Copies of this minute order mailed this date: October 25, 2016

CHALEDEEANNKA
DEBORAH ANN ILLIAMS
GOYENS-BELL EBERWEIN
(in proper)
ROBERT EBERWEIN (in
proper)
PMB 426666
SAN FRANCISCO, CA
94142

TODD ROTHBARD, ESQ
100 SARATOGA AVE.,
SUITE #200
SANTA CLARA, CA 95051

ALAMEDA COUNTY
SUPERIOR COURT
1225 FALLON STREET
2ND FLOOR EXEC. OFFICE
OAKLAND, CA 94612

PETITIONER'S ATTORNEY

RESPONDENT'S ATTORNEY



14510408

TODD ROTHBARD #67351
 STEVE NAUMCHIK #208985
 RYAN MAYBERRY #232622
 SELVEN ANDERSON #282976
 LAW OFFICE OF TODD ROTHBARD
 100 Saratoga Avenue, Suite #200
 Santa Clara, CA. 95051
 Tel: (408) 244-4200
 Fax: (408) 244-4267
 Attorneys for Plaintiff

FILED
 ALAMEDA COUNTY

SEP 19 2016

By 

SUPERIOR COURT – SAN LEANDRO-HAYWARD JUDICIAL DISTRICT
 LIMITED CIVIL JURISDICTION
 COUNTY OF ALAMEDA, STATE OF CALIFORNIA

LORENZO COMMONS, LLC,
 Plaintiff,
 vs.
 ROBERT EBERWEIN aka ROBERT D.
 EBERWEIN, DOES I through V, inclusive
 Defendant

No. HG16819912

JUDGMENT

This matter having come on regularly before the Court for trial on September 19, 2016 and the Court having heard and considered the evidence,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff LORENZO COMMONS, LLC have and recover from defendant ROBERT EBERWEIN aka ROBERT D. EBERWEIN restitution of possession of the premises located at 16201 Hesperian Boulevard, Unit #127, San Leandro, California 94580, together with rent and damages in the total sum of \$6,625.73 and costs of \$335.00, total of \$6,960.73.

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NO. DIST. OF CA.

DATED: 9/19/16

RECEIVED

JUDGE/COMMISSIONER OF THE COURT

Kimberly Colwell

MC-701

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Harvey Ottovich, owner, trustee. 15601 Washington Avenue, San Lorenzo, CA 94580		FOR COURT USE ONLY
TELEPHONE NO.: 510-7899234	FAX NO.:	
E-MAIL ADDRESS:		
ATTORNEY FOR (Name): In Propria Persona		
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 24405 AMADOR STREET MAILING ADDRESS: 24405 AMADOR STREET CITY AND ZIP CODE: Hayward 94544 BRANCH NAME: HAYWARD HALL OF JUSTICE		
PLAINTIFF/ PETITIONER: Harvey Ottovich, owner, trustee. DEFENDANT/ RESPONDENT: Leo F. Bautista OTHER:		
REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT Type of case: <input checked="" type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input type="checkbox"/> Small Claims <input type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other		CASE NUMBER: RG16804977

1. I have been determined to be a vexatious litigant and must obtain prior court approval to file any new litigation in which I am not represented by an attorney. Filing new litigation means (1) commencing any civil action or proceeding, or (2) filing any petition, application, or motion (except a discovery motion) under the Family or Probate Code.
2. I have attached to this request a copy of the document to be filed and I request approval from the presiding justice or presiding judge of the above court to file this document (name of document):
3. The new filing has merit because (Provide a brief summary of the facts on which your claim is based; the harm you believe you have suffered or will suffer; and the remedy or resolution you are seeking):
4. The new filing is not being filed to harass or to cause a delay because (give reasons):

RECEIVED
2017 APR -5 P 6:09
SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/07/2016

Harvey Ottovich

(TYPE OR PRINT NAME OF DECLARANT)

Harvey Ottovich
Auto Bail
Robert Green

(SIGNATURE OF DECLARANT)

CIVIL COVER SHEET

344 (Rev. 07-16)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Vasona Management dba Lorenzo Commons LLC, [Todd Rothbard Attorney unverified Complaint]
HG16819912

(b) County of Residence of First Listed Plaintiff *Alameda*
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Todd Rothbard Attorney
N/C Vasona Management dba Lorenzo Commons LLC
16201 Hesperian Blvd Office

DEFENDANTS

Robert D Eberwein, Robert Eberwein dba 3109 King St Property Management, Chaledaannka Deborah Ann Williams Goyens-Bell Eberwein, Does

County of Residence of First Listed Defendant *Suffolk (securities litigation)*
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

{this is because my rents, employment mortgages taxes, being slayed BY usbcadsny 12-12020 ET AL pOC 294-31'3 FRBOG}
pmb 426666, S.F., ca 94142-6666

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 IHA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 157, 1330-1336, et seq

Brief description of cause:

Whistleblower retaliation for Attorney's [banks as attorneys for RMBS] filing in wrong court and seizing property

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE: LAURA BEELER

DOCKET NUMBER 16-cv-3219, 16-cv-3212

DATE:
08/05/2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Vasona Management dba Lorenzo Commons LLC, [Todd Rothbard Attorney unverified Complaint]
HG16819912

(b) County of Residence of First Listed Plaintiff Alameda
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (If Known, Address, and Telephone Number)
Todd Rothbard Attorney
N/C Vasona Management dba Lorenzo Commons LLC
16201 Hesperian Blvd Office

DEFENDANTS
Robert D Eberwein, Robert Eberwein dba 3109 King St Property Management, Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein, Does

County of Residence of First Listed Defendant Suffolk (securities litigation)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
(this is because my rents, employment mortgages taxes, being stayed BY usbcadsny 12-12020 ET AL pOC 294-31'3 FRBOG] pmb 426666, S.F., ca 94142-6666

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER FEATURES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instruments <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 7 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless directed):
28 USC 157, 1330-1336, et seq. We filed better paperwork and TRACEY Mercado midé a DEAL WITH kcc MLLC

Brief description of cause:
Whistleblower retaliation for Attorney's [banks as attorneys for RMBS] filing in wrong court and seizing property

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDOE L. BEELER

DOCKET NUMBER 16-cv-3219, 16-cv-3212

DATE

08/05/2016

SIGNATURE OF ATTORNEY OF RECORD

Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

RECEIPT #		AMOUNT		APPLYING IFP		JUDGE		MAG. JUDGE	
FOR OFFICE USE ONLY		DATE		SIGNATURE OF ATTORNEY OF RECORD		DOCKET NUMBER		16-cv-3219, 16-cv-3212	
IF ANY		JUDGE LAURA BEELER		(See instructions)		V. ORIGIN (Place an "X" in One Box Only)			
VII. REQUESTED IN COMPLAINT:		CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.		DEMAND \$		CHECK YES only if demanded in complaint:		JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
VIII. RELATED CASE(S)									
IX. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless directly):		28 USC 157, 1330-1336, et seq					
X. NATURE OF SUIT (Place an "X" in One Box Only)		1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Reinstated from Appellate Court <input type="checkbox"/> 4 Retained or Recaptured or 5 Transferred from Another District <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 8 Multidistrict Litigation - Direct File <input type="checkbox"/>							
XI. BASIS OF JURISDICTION (Place an "X" in One Box Only)		1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) <input type="checkbox"/>							
III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)		Citizens of This State <input checked="" type="checkbox"/> 1 <input type="checkbox"/> Citizens of Another State <input type="checkbox"/> 2 <input type="checkbox"/> Citizens or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> Foreign Nation <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/>							
PLAINTIFFS		Vasana Management dba Lorenzo Commons LLC, Todd Rolbard Attorney Unaffiliated Complaint		H&B 16819912		County of Residence of First Listed Plaintiff: Alameda			
DEFENDANTS		Robert D Eberwein, Robert Eberwein dba 3109 King St Property Management, Chadeeannika Deborah Ann Williams Goyens-Bell Eberwein, Does				County of Residence of First Listed Defendant: Suffolk (securities litigation)			
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.		Attorneys (If Known) (This is because my rents, employment, mortgage taxes, being stayed BY uscdsany 12-12020 ET AL POC 294-313 FRBOG) pmb 426668, S.F., ca 94142-6666							

CIVIL COVER SHEET

JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. PLAINTIFFS

Vasona Management dba Lorenzo Commons LLC, [Todd Rothbard Attorney unverified Complaint]
HG16819912

(b) County of Residence of First Listed Plaintiff Alameda
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (Give Name, Address, and Telephone Number)

Todd Rothbard Attorney
N/C Vasona Management dba Lorenzo Commons LLC
16201 Hesperian Blvd Office

DEFENDANTS

Robert D Eberwein, Robert Eberwein dba 3109 King St Property Management, Chaledaannka Deborah Ann Williams Goyens-Bell Eberwein, Does

County of Residence of First Listed Defendant Suffolk (securities litigation)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(this is because my rents, employment mortgages taxes, being stayed BY usbcdsny 12-12020 ET AL pOC 294-31'3 FRBOG] pmb 426666, S.F., ca 94142-8666

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

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- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR/EMPLOYMENT <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	OTHER STATUTES <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	IMMIGRATION/NATURALIZATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 157, 1330-1336, et seq

Brief description of cause:

Whistleblower retaliation for Attorney's [banks as attorneys for RMBS] filing in wrong court and seizing property

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE LAURA DEELER

DOCKET NUMBER 16-cv-3219, 16-cv-3212

DATE 08/23/2016 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAJ. JUDGE

JS-44 (Rev. 07/16)

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Vasona Management dba Lorenzo Commons LLC, (Todd Rothbard Attorney unverified Complaint)
HG16819912

(b) County of Residence of First Listed Plaintiff Alameda
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney (If Known, Address, and Telephone Number)

Todd Rothbard Attorney
N/C Vasona Management dba Lorenzo Commons LLC
16201 Hesperian Blvd Office

DEFENDANTS

Robert D Ewerwein, Robert Ewerwein dba 3109 King St Property Management, Chaledaannka Deborah Ann Williams Goyens-Bell Ewerwein, Does

County of Residence of First Listed Defendant Suffolk (securities litigation)
(IN U.S. PLAINTIFF CASES ONLY)

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Attorneys (If Known)

(this is because my rents, employment mortgages taxes, being stayed BY usbcdsny 12-12020 ET AL pOC 294-31'3 FRBOG] pmb 426668, S.F., ca 94142-8668

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

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CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
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VI. CAUSE OF ACTION

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28 USC 157, 1330-1336, et seq

Brief description of cause:

Whistleblower retaliation for Attorney's [banks as attorneys for RMBS] filing in wrong court and seizing property

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes ☒ No ☐

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE LAURA DEELER

DOCKET NUMBER 16-cv-3219, 16-cv-3212

DATE 08/05/2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAJ. JUDGE

PLAINTIFFS Vasone Management dba Lorenzo Commons LLC, Todd Rothbard Attorneys: Todd Rothbard, Address, and Telephone Number 16201 Hasperman Blvd Office N/C Vasone Management dba Lorenzo Commons LLC		DEFENDANTS Robert D Eberwein, Robert Eberwein dba 3109 King St Property Management, Chaldeasankha Deborah Ann Williams Goyens-Bell Eberwein, Does County of Residence of First Listed Defendant Suffolk (Securities Litigation) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known) (this is because my rents, employment mortgage taxes, being stayed BY uscdsany 12-12020 ET AL POC 294-313 FRBOG) pmb 426666, S.F., ca 94142-6666	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only) Plaintiff <input type="checkbox"/> 1 U.S. Government <input type="checkbox"/> 2 U.S. Government <input type="checkbox"/> 3 Federal Question <input type="checkbox"/> 4 Diversity <input type="checkbox"/> 5 Defendant <input type="checkbox"/> 6 Other (Indicate Citizenship of Parties in Item III)			
III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) Plaintiff <input type="checkbox"/> 1 U.S. Government <input type="checkbox"/> 2 U.S. Government <input type="checkbox"/> 3 Federal Question <input type="checkbox"/> 4 Diversity <input type="checkbox"/> 5 Defendant <input type="checkbox"/> 6 Other (Indicate Citizenship of Parties in Item III)			
IV. NATURE OF SUIT (Place an "X" in One Box Only) <input type="checkbox"/> 1 Contract <input type="checkbox"/> 2 Tort <input type="checkbox"/> 3 Real Property <input type="checkbox"/> 4 Other (Indicate Nature of Suit in Item III)			
V. ORIGIN (Place an "X" in One Box Only) <input type="checkbox"/> 1 Original <input type="checkbox"/> 2 Removed from <input type="checkbox"/> 3 Remanded from <input type="checkbox"/> 4 Reinstated or <input type="checkbox"/> 5 Transferred from <input type="checkbox"/> 6 Multi-district <input type="checkbox"/> 7 Multi-district <input type="checkbox"/> 8 Multi-district			
VI. CAUSE OF ACTION Brief description of cause: 28 USC 157, 1330-1336, et seq Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):			
VII. REQUESTED IN COMPLAINT: <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P. <input type="checkbox"/> CHECK YES only if identified in complaint: DEMAND \$ JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No			
VIII. RELATED CASE(S) IF ANY DOCKET NUMBER 16-cv-3219, 16-cv-3212 JUDGE LAURA BEELER SIGNATURE OF ATTORNEY OF RECORD DATE 08/05/2018 FOR OFFICE USE ONLY RECEIPT # AMOUNT RECEIVED JUDGE MAG. JUDGE			



SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

The foregoing instruments are true and
correct copies of the original
on file in the office

ATTEST: AUG 26 2016

CLERK OF THE SUPERIOR COURT

By

[Signature]

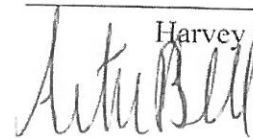
Deputy

VERIFICATION

I, Harvey Ottovich, have read the above ~~REDACTED~~ ~~TO SHOW CAUSE~~
and know its contents. The matters stated in the foregoing document are true of my own
knowledge, except as to those matters that are stated on information and belief, and as to those
matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct and that this Declaration is executed on the 14TH day of
Nov., 2016.



 Harvey Ottovich

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
1300 Clay Street (2d fl.)
Oakland, CA 94612

1 Post-petition Postmark on Notice:

2 At the hearing, Plaintiff also asserted the post-petition mailing of the Notice was a violation of the
3 automatic stay. The parties do not dispute that the postmark date on the envelope for the Notice is December
4 29, 2011. However, there are no facts alleged that the Defendants had notice of Plaintiff's bankruptcy filing at
5 the time the Notice was deposited into the mail. Plaintiff filed her petition at 4:13 p.m. on December 28, 2011.
6 At approximately 6 p.m., Plaintiff delivered to Mr. Pilgrim's place of business a letter dated December 28,
7 2011 stating that "as of today I will be in active bankruptcy." The letter did not contain a copy of the petition
8 or a reference to a case number. It is unclear whether the Notice was deposited in the mail prior to the delivery
9 of Plaintiff's letter. Simply put, the substantially contemporaneous mailing of a Notice posted pre-petition is
10 insufficient to establish a knowing and willful violation of the automatic stay.

11 Additional Allegations:

12 Plaintiff's statement references phone calls and statements purportedly made by Defendants after they
13 received notice of the bankruptcy. However, no facts are provided as to when and where such statements were
14 made. Further, they contradict Plaintiff's deposition testimony that after December 28, 2011 she never had
15 any telephone contact with Ron Pilgrim. Plaintiff was requested to identify those facts supporting her claims
16 for violation of the automatic stay. General statements without essential information regarding when the
17 statements were made, particularly where contradicted by Plaintiff's testimony, are not sufficient to establish a
18 claim.

19 **Conclusion:**

20 At the request of the Court, Plaintiff filed a statement identifying facts supporting her claim that
21 Defendants knowingly and willfully violated the automatic stay. The facts asserted are insufficient to establish
22 a knowing and willful violation of the automatic stay pursuant to Bankruptcy Code § 362(k). As such, the
23 court finds that it would be unduly burdensome to Defendants and a waste of judicial resources to proceed to
24 trial on claims for which there is no factual support. On that basis, Plaintiff's remaining claims will be
25 dismissed by order of the court entered contemporaneously herewith.

26 ***END OF ORDER***

Ante Bill

Eberwein
(1) PMB 4244, 5th CA 9442
(2) 7520 Bellini Way,
Sacramento, CA

U.S.D.C. N.D. CA

OTTOVIA P500021

PLATIFF

BANTISTA

DEFENDANT

Eberwein, Investor

#

16-CV-3219
2-16-CV-2745-MCH

NOTICE OF APPEAL
TO U.S.D.C. N.D. CA -
FROM FEBRUARY 24, 2017 OR U.S.D.C. EDCA

REMANDING
P500021
OF OTTOVICH'S
FILED BY
ROBERT D EBERWEIN

Court Name: U.S. District Court, MDCB
Division: 3
Receipt Number: 3461119876
Carrier ID: sprinka
Transaction Date: 11/18/2016
Payer Name: ROBERT D EBERWEIN
CIVIL FILING FEE
For: COLOURED HENTAGSTAN
Case/Party: P-000-4-16-CV-385330-001
Amount: 1400.00

PAPER CHECK CONVERSION
Check/Money Order Num: 218
Amt Tendered: 1400.00

Total Due: 1400.00
Total Tendered: 1400.00
Change Amt: \$0.00

CU

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.

P500021,
ESTATE

INVESTOR

UNDER PURTIS
I WAS ORDERED
TO CHANGE
CASE NUMBER

Charles Debraon Liann

03/24/17
Robert Eberwein
Ante Bill

1

Attorney

To All Parties, Claims Agents, State Court Judges, Bankruptcy, Tax, Probate, SIPA, SEC
FRBOGR, DOJ, Sheriffs, Marshalls. I Robert Daniel Eberwein From 1991-2016 Invested in
several failed RMBS. And having been told of losts with my bank stocks? I bought bonds that
insure the lending institutions. I gave 1/3 Interest to my paying agent to track default loans here
all over in ULD cases under 10,000.00. A default judgment for possession was obtained by a

By Opted Out Investor/Shareholder
Robert Daniel Eberwein By POA Paying
Agent dba 394717/388883
In Re: *EBEIN*
Robert Daniel Eberwein
Defendant.
vs.
OTBVCAL PRO 21
Plaintiff,

No. Case Number
Notice of Removals? MDL Cases
Judge
Department
Appeal order

FOR THE COUNTY OF

[] SUPERIOR / [] SUPREME COURT OF THE STATE OF

UNITED STATES DISTRICT COURT FOR

Eberwein et al investor
JPB 42666 & SF CA 9442
500 Bellini Way
Madison NJ 07017 95828

21-01-27-45-KV-10

1 plaintiff that does not exist and I am currently locked out twice from 15601 Washington Avenue
2 San Lorenzo California and 16201 Hesperian Blvd San Lorenzo, California. These cases are
3 hidden by the local employment of Trustees and the use of California law not the law of the
4 tursts the co-workers put their wages into. After years of lawsuits The 50 plus states joined into a
5 consent order. My employer a Joint venture with Japan Corporation filed Bankruptcy in New
6 York in 2009 and their 51 REO Debt collector, Executive Trustee Service for example, in New
7 York. They made a decision New York Law would control the lawsuits that were sold February
8 2013 To Ocwen loan Servicing. In My employer on-going bankruptcy cases in New York.. So
9 the debt collector do not ask for attorney fees and only default clerks' entry of default. This has
10 been the pattern for yaers. So I currently sleep at 36224 Pecan Court Fremont California. And
11 Been working out the office of 15600 lorenzo Avenue-15601 Washington Blvd, San Lorenzo
12 Ca 94580.

13 Where fore I submit this prayer for relief that The Article Three Jurisdiction uphold the Orders
14 From New York Bankrupptcy Court in all 51 cases and requiren NewYork Law be cited and
15 ULD Cases be removed to New York . See Attached Lists

16 Date: November 17, 2016

Chalgelemb Debrah
Ann Hayan Berber
Robert Eberwein

17
18 Robert Daniel Eberwein for Heirs of Jack

19 Ottovich Estate P-500021 and Jeanette Ottovich

20 Estate P-500022

Arthur Bull

Case 2:16-cv-02745-MCE-CKD Document 2 Filed 11/21/16 Page 1 of 8

AO 240 (Rev. 07/70) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

MAR 30 2017
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

for the

FILED

NOV 18 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ESTATE OF JACK OTTOVICH P-500021

Plaintiff/Petitioner

v.

LEO F. BAUTISTA SPECIAL ADMINTR

Defendant/Respondent

Civil Action No.

BY

SEAL CLEAR

2:16-CV-2745-MCE-CKD (PS)

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____, and my take-home pay or wages are: \$ _____ per
(specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|---|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other sources | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

SEIZED, BY TAX LIENS, AND DISABLED VETERANS HARVEY OTTOVICH AND MARK OTTOVICH, HAVE
RECIEVED FEE WAIVER IN STATE COURT

Anti Bell

Eberwein Et Al Investor
PMB 426666 SF CA 94142
7520 Bellini Way
SACRAMENTO CA 95826
IN PRO PER

FILED

MAR 30 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT FOR ND CA OF _____

[] SUPERIOR / [] SUPREME COURT OF THE STATE OF 2-16-CV-2745-MCC

FOR THE COUNTY OF _____

OTTOVICH

Plaintiff,

vs.

BAUTISTA

Defendant.

No. Case Number.

Notice of Removals' MDL Cases

OF
APPEAL OF REMANDED
CASES

Judge _____

Department _____

Appeal order 02/24/17

In Re: EBERWEIN

By Opted Out Investor/Shareholder
Robert Daniel Eberwein By POA Paying
Agent dba 394717/388883

BY ORDER OF CLERK

HAVE TO CHANGE APPEAL CASE NUMBER
To All Parties, Claims Agents, State Court Judges, Bankruptcy, Tax., Probate, SIPA, SEC

FRBOGR, DOJ, Sheriffs, Marshalls. I Robert Daniel Eberwein From 1991-2016 Invested in
several failed RMBS. And having been told of losts with my bank stocks' I bought bonds that
insure the lending institutions. I gave 1/3 Interest to my paying agent to track default loans here
all over in ULD cases under 10,000.00. A default judgment for possession was obtained by a

Arthur Bell

B 4 (Official Form 4) (12/07)

UNITED STATES BANKRUPTCY COURT

Northern District of California

In re Roybal-De-AGuero,
Debtor

Case No. 12-12023-AJ13

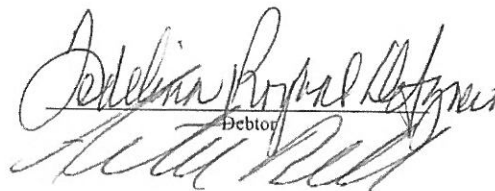
Chapter _____

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address, including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim [if secured also state value of security]
Susan Keller	Prime Pacific Realty	Lien against Caspar Inn	disputed and setoff	
Mark Munoz	Unknown	Wise & Eclipse Road, Auburn Ca	disputed and setoff	
GMAC NDEX				

Date: 07/27/12


Debtor

[Declaration as in Form 2]

EJ-130

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): WILLIAM L. PARTRIDGE, SBN 260166 JASON W. SHORT, SBN 263667 PITE DUNCAN, LLP 4375 Jutland Drive, Suite 200 P.O. Box 17934, San Diego, CA 92177-0934 TELEPHONE NO.: (858) 750-7600 FAX NO. (Optional): (619) 590-1385 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): HSBC Bank		FOR COURT USE ONLY
<input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 24405 Amador Street MAILING ADDRESS: Hayward, CA 94544 CITY AND ZIP CODE: BRANCH NAME: County of Alameda - Hayward Hall of Justice		
PLAINTIFF: HSBC Bank DEFENDANT: Chaaledeeannka Debra A. Williams Eberwein Goyens-Bell, et al.		
WRIT OF <input type="checkbox"/> EXECUTION (Money Judgment) <input checked="" type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input checked="" type="checkbox"/> Real Property		CASE NUMBER: RG09441942

- To the Sheriff or Marshal of the County of: Alameda
You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
- To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.
- (Name): HSBC Bank USA, National Association, as Trustee under the Pooling and Servicing Agreement dated as of May 1, 2006, Fremont Home Loan Trust 2006-A, its successors and/or assigns

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name and last known address):

Chaaledeeannka Debra A. Williams
Eberwein Goyens-Bell
1853 9th Ave. Unit 1
Oakland, CA 94606

9. ☒ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

11. Total Judgment	\$ 00.00
12. Costs after judgment (per filed order or memo CCP 685.090)	\$ 00.00
13. Subtotal (add 11 and 12)	\$ 00.00
14. Credits	\$ 00.00
15. Subtotal (subtract 14 from 13)	\$ 00.00
16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees)	\$ 00.00
17. Fee for issuance of writ	\$ 25.00
18. Total (add 15, 16, and 17)	\$ 25.00

19. Levying officer:

- (a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of \$ 00.00
(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; CCP 699.520(i)) \$ 00.00

20. ☐ The amounts called in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

☐ Additional judgment debtors on next page

5. Judgment entered on (date): Oct 16 2009

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ

- a. ☒ has not been requested
b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

[SEAL]

Issued on (date): JUN 09 2010

Clerk by: PAT S. SWEETEN

MICHELLE ESGUERRA Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION

PLAINTIFF: HSBC Bank	CASE NUMBER: RG09441942
DEFENDANT: Chaaleddeannka Debra A. Williams Eberwein Goyens-Bell , et al.	

— Items continued from page 1 —

21. ☐ Additional judgment debtor (name and last known address):

22. ☐ Notice of sale has been requested by (name and address):

23. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

a. on (date):

b. name and address of joint debtor:

a. on (date):

b. name and address of joint debtor:

c. ☐ additional costs against certain joint debtors (itemize):

24. ☒ (Writ of Possession or Writ of Sale) Judgment was entered for the following:

a. ☒ Possession of real property: The complaint was filed on (date): March 18, 2009

(Check (1) or (2)):

(1) ☒ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.

The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ 30.00 was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following

Dates (specify):

b. ☐ Possession of personal property

☐ If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.

c. ☐ Sale of personal property.

d. ☐ Sale of real property

e. Description of property: 1853 9th Ave. Unit 1, Oakland, CA 94606, County of Alameda

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a monetary judgment for the value of the property specified in the judgment or supplemental order.

WRIT OF POSSESSION OR REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable costs of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

► A Claim of Right to Possession for accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

TO (Name and Address): Chaaleddeannka Debra A Williams 1853 9th Avenue Unit I Oakland, CA 94606		LEVYING OFFICER (Name and Address): Alameda County Sheriff's Office Sheriff's Civil Unit Room 104 1225 Fallon St. Oakland, CA 94612 (510) 272-6910 Fax: (510) 272-6811 California Relay Service Number (800) 735-2929 TDD or 711
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Alameda County Superior - Hayward 24405 Amador Street Hayward, CA 94544 Hayward Hall of Justice		COURT CASE NO.: RG09441942
PLAINTIFF: HSBC Bank DEFENDANT: Chaaleddeannka Debra A Williams		LEVYING OFFICER FILE NO.: 2010006418
Eviction Restoration Notice		

To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

By virtue of a Writ of Execution for Possession of Real Property, the following property was restored to the landlord on:

Eviction Date:	Monday, September 20, 2010
Eviction Address:	1853 9th Avenue Unit I Oakland, CA 94606

Pursuant to Penal Code Sections 419 and 602, and judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b)(3) and 715.030, all personal property left on the premises has been turned over to the landlord. The landlord is responsible for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a reasonable fee for removal and storage of the property. However, upon demand of the tenant, the landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the end of the fifteen (15) day period, the landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), if the property is valued at less than \$300.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP)



Date: 09 20 10

Gregory J. Ahern
Sheriff-Coroner

By: _____

[Signature]
Sheriff's Authorized Agent



AFFILIATED BROKERS

3630 - 35th Avenue
Oakland, CA 94619-9982
(510) 530-8555
(510) 530-2465 Fax



~~Oct 6, 08~~
~~Oct 2, 08~~
~~September 9, 2008~~

3rd reg.

To: C. Goyens-Bell
1853 9th Ave. 1
Oakland CA

Please be advised that we need to receive copies of lease or rental agreements by 9/20/08.

Thanks

Joel Gomez

Important we receive
copies of lease/rental
agreements Now
And,
Call us right away

10/4/8

10/4/8

10/4/8

10/4/8

10/4/8

10/4/8

10/4/8

10/4/8

TO (Name and Address): Robert Eberwien aka Robert D Eberwein 16201 Hesperian Blvd # 127 San Lorenzo, CA 94580		LEVYING OFFICER (Name and Address): Alameda County Sheriff's Office Sheriff's Civil Unit Room 104 1225 Fallon St. Oakland, CA 94612 (510) 272-6910 Fax: (510) 272-6811 California Relay Service Number (800) 735-2929 TDD or 711	
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Alameda County Superior - Hayward 24405 Amador Street Hayward, CA 94544 Hayward Hall of Justice		COURT CASE NO.: HG16819912	
PLAINTIFF: Lorenzo Commons LLC DEFENDANT: Robert Eberwein aka Robert D.Eberwein		LEVYING OFFICER FILE NO.: 2016006158	
Notice to Vacate			

By virtue of the Writ of Execution for Possession/Real Property (eviction), issued out of the above court, you are hereby ordered to vacate the premises described on the writ.

Eviction Address:	16201 Hesperian Blvd # 127 San Lorenzo, CA 94580
--------------------------	---

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:	Tuesday, October 04, 2016 6:01 AM
---	--

Should you fail to vacate the premises within the allotted time, I will immediately enforce the writ by removing you from the premises. All personal property upon the premises at the time will be turned over to the landlord, who must return said personal property to you upon your payment of the reasonable cost incurred by the landlord in storing the property from the date of eviction to the date of payment. If the property is stored on the landlord's premises, the reasonable cost of storage is the fair rental value of the space necessary for the time of storage. If you do not pay the reasonable storage costs and take possession within fifteen (15) days, the landlord may either sell your property at a public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), or, if the property is valued at less than \$700.00, the landlord may dispose of your property or retain it for his own use. (715.010(b)(3), 1174 CCP)

If you claim a right of possession of the premises that accrued prior to the commencement of this action, or if you were in possession of the premises on the date of the filing of the action and you are not named on the writ, complete and file the attached Claim of Right of Possession form with this office. No claim of right to possession can be filed if box 24a(1) located on the back of the writ is checked.



Gregory J. Ahern
Sheriff-Coroner

By: W. Eggers #1447
Sheriff's Authorized Agent

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TO (Name and Address): Robert Eberwien aka Robert D Eberwein 16201 Hesperian Blvd # 127 San Lorenzo, CA 94580		LEVYING OFFICER (Name and Address): Alameda County Sheriff's Office Sheriff's Civil Unit Room 104 1225 Fallon St. Oakland, CA 94612 (510) 272-6910 Fax: (510) 272-6811 California Relay Service Number (800) 735-2929 TDD or 711	
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Should you fail to vacate the premises within the allotted time, I will immediately enforce the writ by removing you from the premises. All personal property upon the premises at the time will be turned over to the landlord, who must return said personal property to you upon your payment of the reasonable cost incurred by the landlord in storing the property from the date of eviction to the date of payment. If the property is stored on the landlord's premises, the reasonable cost of storage is the fair rental value of the space necessary for the time of storage. If you do not pay the reasonable storage costs and take possession within fifteen (15) days, the landlord may either sell your property at a public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), or, if the property is valued at less than \$700.00, the landlord may dispose of your property or retain it for his own use. (715.010(b)(3), 1174 CCP)

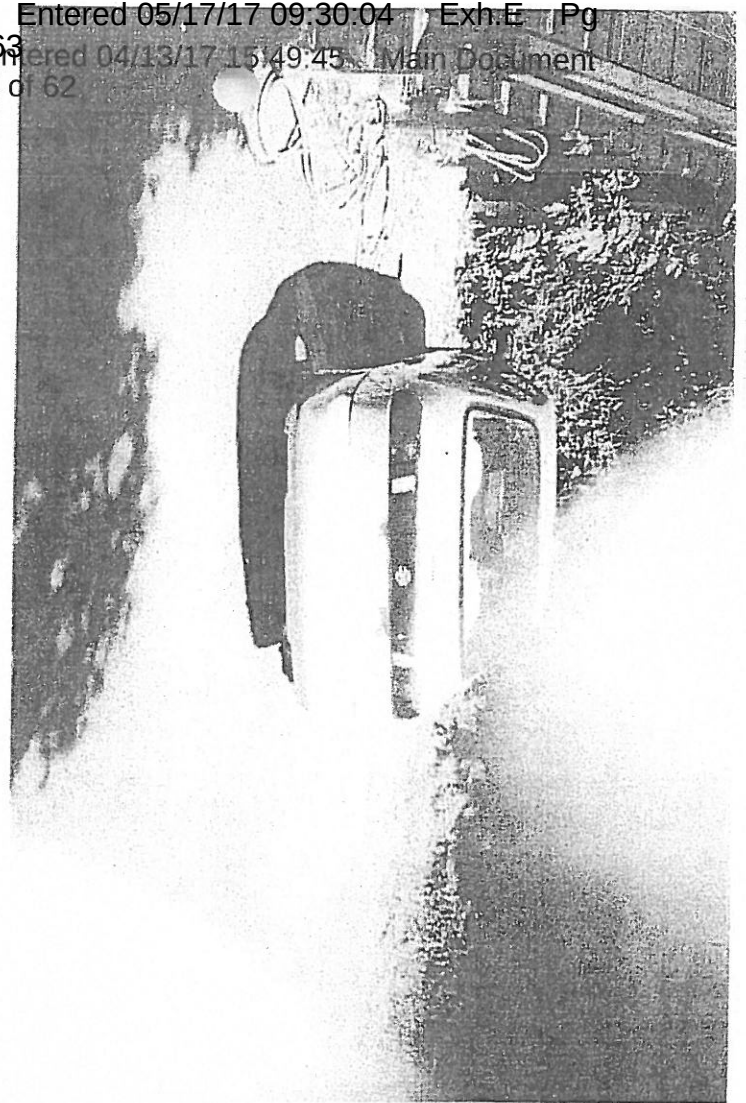
If you claim a right of possession of the premises that accrued prior to the commencement of this action, or if you were in possession of the premises on the date of the filing of the action and you are not named on the writ, complete and file the attached Claim of Right of Possession form with this office. No claim of right to possession can be filed if box 24a(1) located on the back of the writ is checked.



Gregory J. Ahern
Sheriff-Coroner

By: W. EGGERIS #1447
Sheriff's Authorized Agent

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RECEIVED
2017 APR -5 P 6:00
SUSAN Y. SOOJIB
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robert S. McWhorter (CA 226186) Jarrett S. Osborne-Revis (CA 289193) LeClairRyan, LLP 400 Capitol Mall, Suite 155 Sacramento, CA 95814 TELEPHONE NO.: (916) 246-1140 FAX NO. (Optional): (916) 246-1155 E-MAIL ADDRESS (Optional): robert.mcwhorter@leclairryan.com ATTORNEY FOR (Name): Defendant U.S. Bank		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 24405 Amador Street MAILING ADDRESS: CITY AND ZIP CODE: Hayward, CA 94544 BRANCH NAME: Hayward Hall of Justice		
PLAINTIFF/PETITIONER: Randy Ottovich, et al. DEFENDANT/RESPONDENT: U.S. Bank National Association, et al.		
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: HG 13688578
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: November 7, 2016 Time: 3:00 pm Dept.: 18 Div.: Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Robert S. McWhorter or Jarrett S. Osborne-Revis		

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Party or parties (answer one):
 - ☒ This statement is submitted by party (name): Defendant, U.S. Bank National Association, Successor In Interest To The Federal Deposit Insurance Corporation As Receiver For Downey Savings And Loan Association F.A. ("U.S. Bank")
 - ☐ This statement is submitted jointly by parties (names):
- Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
 - The complaint was filed on (date): Second Amended Complaint filed on April 9, 2014
 - ☐ The cross-complaint, if any, was filed on (date):
- Service (to be answered by plaintiffs and cross-complainants only)
 - ☐ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - ☐ The following parties named in the complaint or cross-complaint
 - ☐ have not been served (specify names and explain why not):
 - ☐ have been served but have not appeared and have not been dismissed (specify names):
 - ☐ have had a default entered against them (specify names):
 - ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
- Description of case
 - Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
 Second Amended Complaint for: (1) Breach of Contract; (2) Unfair Business Practices; (3) Injunctive Relief; (4) Declaratory Relief; (5) Conversion; (6) Unjust Enrichment; (7) Common Count - Money Had and Received; (8) Constructive Trust. U.S. Bank demurred to the Second Amended Complaint. The Court entered an order sustaining the demurrer as to the third cause of action for injunctive relief. U.S. Bank answered the Second Amended Complaint on June 6, 2014.



PLAINTIFF/PETITIONER: Randy Ottovich, et al.	CASE NUMBER: HG 13688578
DEFENDANT/RESPONDENT: U.S. Bank National Association, et al.	

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)
The Second Amended Complaint alleges that U.S. Bank improperly collected placed funds in a suspense account and forced placed flood insurance upon Plaintiffs. U.S. Bank denies the allegations. Mr. Bautista and U.S. Bank agreed upon the terms of settlement.

The parties are finalizing their settlement agreement, which must be approved by the Probate Court. The Probate Court scheduled a hearing for November 28, 2016 for such approval.

☒ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☐ a jury trial ☒ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain): All trial dates were previously vacated

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
October 24-31, 2016; November 28, 2016; December 19-31, 2016; January 2-5, 2017; February 22, 2017

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

a. ☒ days (specify number): 2-3 days

b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative dispute resolution (ADR)

a. ADR information package. Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. Referral to judicial arbitration or civil action mediation (if available).

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

PLAINTIFF/PETITIONER: Randy Ottovich, et al.	CASE NUMBER: HG 13688578
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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (check all that apply and provide the specified information):

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (explain):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (specify):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

15. Other motions

- ☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
- U.S. Bank anticipates it will file a motion for judgment on pleadings to strike all causes of action as pertaining to Mark Ottovich, a motion to require Mark Ottovich to post a bond as a result of his vexatious litigant status, and a summary judgment.

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (describe all anticipated discovery):

Party	Description	Date
Defendant	Written Discovery	Per Code
Defendant	Depositions	Per Code

- c. ☒ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

The depositions of Randy Ottovich and Karen Rayl are completed. The deposition of Mr. Mark Ottovich commenced on October 21, 2015, and parties agreed to continue the deposition due to Mr. Ottovich's health. Parties agreed to waive the seven (7) hour limitation of the deposition. U.S. Bank repeatedly noticed the continued deposition of Mark Ottovich as well as Harvey Ottovich, but neither deposition has been completed given the parties' anticipated resolution of this case.

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17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain): No meeting as occurred as the parties anticipate that this case will settled.
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): 0

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: October 20, 2016

Robert S. McWhorter

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

PROOF OF SERVICE

The undersigned declares:

I am employed in the County of Sacramento, State of California. I am over the age of 18 and am not a party to the within action; my business address is c/o LeClairRyan, 980 9th Street, 16th Floor, Sacramento, CA 95814.

On October 20, 2016 I served the foregoing

CASE MANAGEMENT STATEMENT

on parties to the within action as follows:

X (VIA U.S. MAIL) I placed for collection and deposit in the U.S. mail, copies of the above mentioned document(s), following the practice and procedure of LeClairRyan LLP.

I certify and declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 20, 2016 at Sacramento, California.

Dana Bardon

SERVICE LIST

Randall B. Schmidt, Esq. Law Offices of Randall B. Schmidt 555 California Street, Suite 4925 San Francisco, CA 94104 Telephone: (415) 659-1524 Facsimile: (415) 659-1525 Email: randalls@yahoo.com	Attorney for Plaintiffs RANDY OTTOVICH, MARK OTTOVICH, AND KAREN RAYL
Daniel A. Presher, Esq. Law Offices of Daniel A. Presher 303 W. Joaquin Avenue, Suite 140 San Leandro, CA 94577 Telephone: (510) 483-9834 Facsimile: (510) 357-3421 Email: lodap@sbcglobal.net	Attorney for Special Administrator LEO F. BAUTISTA
Mark Ottovich 36224 Pecan Court Fremont, CA 94536 Telephone: (510) 789-9234 Email: markoip@aol.com	Former Plaintiff <i>in Propria Persona</i>